

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**MICHAELA MILLS**

**PLAINTIFF**

**v.**

**CIVIL ACTION: 1:15-cv-101-SA-DAS**

**ESPN, INC. and  
MISSISSIPPI STATE UNIVERSITY**

**DEFENDANTS**

---

**ANSWER AND AFFIRMATIVE DEFENSES OF MISSISSIPPI STATE UNIVERSITY**

---

Defendant Mississippi State University (“MSU”) files its Answer and Affirmative Defenses to the Complaint filed by Michaela Mills as follows:

**I. ANSWER**

1. MSU lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 1.
2. MSU lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 2.
3. MSU admits the allegations contained in Paragraph 3.
4. MSU lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 4.
5. MSU admits the allegations contained in Paragraph 5.
6. MSU admits the allegations contained in Paragraph 6.
7. MSU admits the allegations contained in Paragraph 7.
8. MSU admits the allegations contained in Paragraph 8.

9. MSU lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 9.
10. MSU lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 10.
11. MSU lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 11.
12. MSU lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 12.
13. MSU lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 13.
14. MSU denies the allegations contained in Paragraph 14.
15. MSU denies the allegations contained in Paragraph 15.
16. MSU denies the allegations contained in Paragraph 16.
17. MSU denies the allegations contained in Paragraph 17.
18. MSU denies the allegations contained in Paragraph 18.
19. MSU denies the allegations contained in Paragraph 19.
20. MSU denies the allegations contained in Paragraph 20.
21. MSU denies the allegations contained in Paragraph 21.
22. MSU denies the allegations contained in Paragraph 22.
23. MSU denies the allegations contained in Paragraph 23.
24. MSU denies the allegations contained in Paragraph 24.

## **II. DEFENSES**

MSU asserts the following defenses to recovery:

1. The Complaint fails to state a claim upon which relief may be granted.
2. MSU asserts all defenses available to it under the Mississippi Tort Claims Act, Mississippi Code Annotated § 11-46-1, *et seq.* specifically including, but not limited to, the Discretionary Function defense.
3. MSU reserves all defenses available to it under the Eleventh Amendment to the United States Constitution.
4. Mills' claims are barred by the doctrines of sovereign immunity and/or qualified immunity.
5. Mills assumed any risk that may have existed and was contributorily negligent.
6. MSU reserves the right to amend and supplement its answer to the Complaint and assert any additional defenses, demands, and claims as may be deemed necessary as evidenced by discovery.

Now, having answered the Complaint and pled its defenses, MSU respectfully requests that this cause be dismissed.

DATED: September 28, 2015

Respectfully Submitted,

MISSISSIPPI STATE UNIVERSITY

/s/ Joan L. Lucas

Joan L. Lucas (MS Bar No. 101806)  
Brandon L. Jolly (MS Bar No. 101978)  
Mississippi State University  
175 President's Circle  
Suite 513 Allen Hall  
Mississippi State, MS 39762  
Telephone: (662) 325-8131  
Facsimile: (662) 325-8485

**CERTIFICATE OF SERVICE**

The undersigned certifies that she has on this date files a copy of the above document with the Court's ECF system, which sent notice to the following counsel of record:

Michael James Bentley  
Mary Beth Buffington  
Roy D. Campbell, III

Dated: September 28, 2015

/s/ Joan L. Lucas  
Joan L. Lucas